

**SENATE JOURNAL**  
OF THE  
**IDAHO LEGISLATURE**

FIRST REGULAR SESSION  
FIFTY-SEVENTH LEGISLATURE

-----  
**THIRTY-FIRST LEGISLATIVE DAY**  
**WEDNESDAY, FEBRUARY 5, 2003**

Senate Chamber

President Risch called the Senate to order at 11 a.m.

Roll call showed all members present except Senator Sorensen, absent and formally excused by the Chair; and Senators Burkett, Cameron, Darrington, Noble, Noh, Pearce, and Stennett, absent and excused.

Prayer was offered by Chaplain Gene Arnold.

The Pledge of Allegiance was led by Kathryn Neal, Page.

The Senate advanced to the Third Order of Business.

**Reading and Correction of the Journal**

Senators Darrington and Noble were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 4, 2003, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

**Reports of Standing Committees**

Senators Burkett, Pearce, and Stennett were recorded present at this order of business.

February 5, 2003

The JUDICIARY AND RULES Committee reports that **S 1060** and **S 1061** have been correctly printed.

DARRINGTON, Chairman

**S 1060** and **S 1061** were referred to the State Affairs Committee.

February 4, 2003

The JUDICIARY AND RULES Committee reports that **SCR 101** has been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **SCR 101** and ordered it transmitted to the House for the signature of the Speaker.

February 4, 2003

The LOCAL GOVERNMENT AND TAXATION Committee reports out **S 1035** with the recommendation that it do pass.

BUNDERSON, Chairman

**S 1035** was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

**Messages from the House**

February 4, 2003

Mr. President:

I transmit herewith **H 103** and **H 104** which have passed the House.

JUKER, Chief Clerk

**H 103** and **H 104** were filed for first reading.

February 4, 2003

Mr. President:

I transmit herewith Enrolled **H 75**, **H 79**, and **H 80** for the signature of the President, and I return herewith Enrolled **S 1014**, which has been signed by the Speaker.

JUKER, Chief Clerk

The President signed Enrolled **H 75**, **H 79**, and **H 80** and ordered them returned to the House.

Enrolled **S 1014** was referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

**Motions and Resolutions**

The President announced that **SJM 101** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Goedde, seconded by Senator Davis, **SJM 101** was adopted by voice vote, title was approved, and the memorial ordered transmitted to the House.

The President announced the Judiciary and Rules Committee report, relative to the Gubernatorial appointments of E. E. "Bud" Brinegar and Robin Sandy, was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Bunderson, seconded by Senator Marley, the Gubernatorial appointment of E. E. "Bud" Brinegar as a member of the Commission on Pardons and Parole was confirmed by voice vote.

On motion by Senator Lodge, seconded by Senator Marley, the Gubernatorial appointment of Robin Sandy as a member of the Commission on Pardons and Parole was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare letters of the Gubernatorial appointment confirmations for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced the State Affairs Committee report relative to the Gubernatorial appointment of Hyong K. Pak was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Little, seconded by Senator Stennett, the Gubernatorial appointment of Hyong K. Pak as a member of the Idaho Commission on Human Rights was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,  
House Petitions, Resolutions, and Memorials**

Senator Noh was recorded present at this order of business.

**S 1062  
BY EDUCATION COMMITTEE  
AN ACT**

RELATING TO SCHOOL AGE; AMENDING SECTION 33-201, IDAHO CODE, TO PROVIDE A MINIMUM AGE REQUIREMENT FOR ATTENDANCE IN PREKINDERGARTEN IN THE SCHOOL DISTRICTS WHICH CONDUCT PREKINDERGARTEN AND TO MAKE A TECHNICAL CORRECTION.

**S 1063  
BY EDUCATION COMMITTEE  
AN ACT**

RELATING TO THE PUBLIC SCHOOL FOUNDATION PROGRAM AND STAFF ALLOWANCE; AMENDING SECTION 33-1004, IDAHO CODE, TO INCREASE THE MULTIPLIER FOR CALCULATION OF THE STAFF ALLOWANCE FOR CLASSIFIED STAFF.

**S 1064  
BY TRANSPORTATION COMMITTEE  
AN ACT**

RELATING TO NOTICES AND MOTOR VEHICLES OR DRIVERS; AMENDING SECTION 18-8001, IDAHO CODE, TO REQUIRE THAT NOTICES OF DRIVER'S LICENSE SUSPENSION, REVOCATION OR DISQUALIFICATION BE SENT VIA FIRST CLASS MAIL RATHER THAN VIA CERTIFIED MAIL; AMENDING SECTION 49-320, IDAHO CODE, TO REQUIRE THAT NOTICE OF ANY OFFICIAL ACTION REGARDING DRIVER'S LICENSES OR DRIVING PRIVILEGES BE SENT VIA FIRST CLASS MAIL RATHER THAN BY CERTIFIED MAIL; AMENDING SECTION 49-508, IDAHO CODE, TO REQUIRE THAT NOTICE OF VEHICLE TITLE CANCELLATIONS BE SENT VIA FIRST CLASS MAIL RATHER THAN VIA CERTIFIED MAIL AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 49-520, IDAHO CODE, TO REQUIRE THAT NOTICE OF VEHICLE TITLE REVOCATION AND NOTICES OF REFUSAL TO ISSUE VEHICLE REGISTRATION BE SENT VIA FIRST CLASS MAIL RATHER THAN VIA CERTIFIED MAIL.

**S 1062, S 1063, and S 1064** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 103 and H 104**, by Transportation and Defense Committee, were introduced, read the first time at length, and referred to the Transportation Committee.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

**H 90 and H 91**, by Appropriations Committee, were read the second time at length and filed for third reading.

**H 86**, by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

**Third Reading of Bills**

**S 1026**, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Cameron, Sorensen. Total - 2.

Total - 35.

Whereupon the President declared **S 1026** passed, title was approved, and the bill ordered transmitted to the House.

**H 31**, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Andreason arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Cameron, Sorensen. Total - 2.

Total - 35.

Whereupon the President declared **H 31** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, **S 1016** retained its place on the Third Reading Calendar for one legislative day.

**H 6** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brandt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Cameron, Sorensen. Total - 2.

Total - 35.

Whereupon the President declared **H 6** passed, title was approved, and the bill ordered returned to the House.

The Senate advanced to the Fourteenth Order of Business.

### General Calendar

Senator Cameron was recorded present at this order of business.

The President declared the Senate resolved into the Committee of the Whole and called Senator Stegner to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President called the Senate to order.

### Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out **S 1002** without recommendation, amended as follows:

#### SENATE AMENDMENT TO S 1002 AMENDMENTS TO SECTION 1

On page 1 of the printed bill, in line 30, following "means" insert: "either"; in line 33, delete "who has" and insert: "Such person shall have"; and in line 35, delete "Such" and insert: "and such".

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Stennett, the report was adopted by voice vote.

**S 1002** was referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Fifteenth Order of Business.

### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11:50 a.m. until the hour of 11 a.m., Thursday, February 6, 2003.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary

